



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ७५] नई दिल्ली, बृहस्पतिवार, सितम्बर २९, १९९४/अश्विन ७, १९१६

No. 75] NEW DELHI, THURSDAY, SEPTEMBER 29, 1994/ASVINA 7, 1916

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 29th September, 1994/Asvina 7, 1916 (Saka)

THE CABLE TELEVISION NETWORKS (REGULATION)
ORDINANCE, 1994

No. 9 OF 1994

Promulgated by the President in the Forty-fifth Year of the
Republic of India

An Ordinance to provide for the regulation of the operation of cable
television networks in the country and for matters connected
therewith or incidental thereto

WHEREAS the Cable Television Networks (Regulation) Bill, 1993 was
introduced in the Rajya Sabha and the said Bill is pending in that House;

AND WHEREAS Parliament is not in session and the President is
satisfied that circumstances exist which render it necessary for him to
take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to promulgate
the following Ordinance:—

CHAPTER I

PRELIMINARY

Short
title,
extent
and com-
mencement.

1. (1) This Ordinance may be called the Cable Television Networks (Regulation) Ordinance, 1994.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) “cable operator” means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;

(b) “cable service” means the transmission by cables of programmes including re-transmission (by cables of any broadcast television signals);

(c) “cable television network” means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

(d) “company” means a company as defined in section 3 of the Companies Act, 1956;

1 of 1956.

(e) “person” means—

(i) an individual who is a citizen of India;

(ii) an association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India;

(iii) a company in which not less than fifty-one per cent of the paid-up share capital is held by the citizens of India;

(f) “prescribed” means prescribed by rules made under this Ordinance;

(g) “programme” means any television broadcast and includes—

(i) exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players;

(ii) any audio or visual or audio-visual live performance or presentation,

and the expression “programming service” shall be construed accordingly;

(h) “registering authority” means such authority as the Central Government may, by notification in the Official Gazette, specify to perform the functions of the registering authority under this Ordinance;

(i) “subscriber” means a person who receives the signals of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person.

CHAPTER II

REGULATION OF CABLE TELEVISION NETWORK

3. No person shall operate a cable television network unless he is registered as a cable operator under this Ordinance:

Cable television network not to be operated except after registration.

Provided that a person operating a cable television network, immediately before the commencement of this Ordinance, may continue to do so for a period of ninety days from such commencement; and if he has made an application for registration as a cable operator under section 4 within the said period, till he is registered under that section or the registering authority refuses to grant registration to him under that section.

4. (1) Any person who is operating or is desirous of operating a cable television network may apply for registration as cable operator to the registering authority.

Registration as cable operator.

(2) An application under sub-section (1) shall be made in such form and be accompanied by such fee as may be prescribed.

(3) On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the required information and on being so satisfied, register the applicant as a cable operator and grant to him a certificate of such registration:

Provided that the registering authority may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant registration to him if it is satisfied that he does not fulfil the condition specified in clause (e) of section 2.

5. No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code:

Programme code.

Provided that nothing in this section shall apply to the programmes of foreign satellite channels which can be received without the use of any specialised gadgets or decoder.

6. No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code:

Advertisement code.

Provided that nothing in this section shall apply to the programmes of foreign satellite channels which can be received without the use of any specialised gadgets or decoder.

7. Every cable operator shall maintain a register in the prescribed form indicating in brief the programmes transmitted or re-transmitted through the cable service during a month and such register shall be maintained by the cable operator for a period of one year after the actual transmission or re-transmission of the said programmes.

Maintenance of register.

8. (1) Every cable operator using a dish antenna or Television Receiver only shall, from the commencement of this Ordinance, re-transmit at least two Doordarshan satellite channels of his choice through the cable service.

Compulsory transmission of two Doordarshan satellite channels.

(2) The Doordarshan channels referred to in sub-section (1) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels.

Use of
standard
equipment
in cable
television
network.

9. No cable operator shall, on and from the date of the expiry of a period of three years from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986, use any equipment in his cable television network unless such equipment conforms to the said Indian Standard.

Cable
television
network
not to
interfere
with any
telecom-
munica-
tion
system.

10. Every cable operator shall ensure that the cable television network being operated by him does not interfere, in any way, with the functioning of the authorised telecommunication systems.

CHAPTER III

SEIZURE AND CONFISCATION OF CERTAIN EQUIPMENT

Power to
seize
equipment
used for
operat-
ing the
cable
televi-
sion net-
work.

11. (1) If any officer, not below the rank of a Group 'A' officer of the Central Government authorised in this behalf by the Government (hereinafter referred to as the authorised officer), has reason to believe that the provisions of section 3 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network.

(2) No such equipment shall be retained by the authorised officer for a period exceeding ten days from the date of its seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure has been made, has been obtained for such retention.

Confisca-
tion.

12. The equipment seized under sub-section (1) of section 11 shall be liable to confiscation unless the cable operator from whom the equipment has been seized registers himself as a cable operator under section 4 within a period of thirty days from the date of seizure of the said equipment.

Seizure or
confisca-
tion of
equipment
not to
interfere
with
other
punish-
ment.

13. No seizure or confiscation of equipment referred to in section 11 or section 12 shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Ordinance.

Giving of
opportu-
nity to
the cable
operator
of seized
equipment.

14. (1) No order adjudicating confiscation of the equipment referred to in section 12 shall be made unless the cable operator has been given a notice in writing, informing him of the grounds on which it is proposed to confiscate such equipment and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice against the confiscation and if he so desires of being heard in the matter:

Provided that where no such notice is given within a period of ten days from the date of the seizure of the equipment, such equipment shall be returned after the expiry of that period to the cable operator from whose possession it was seized.

5 of 1908.

(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1903 shall, so far as may be, apply to every proceeding referred to in sub-section (1).

15. (1) Any person aggrieved by any decision of the court adjudicating a confiscation of the equipment may prefer an appeal to the court to which an appeal lies from the decision of such Court.

Appeal.

(2) The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or revising the decision appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence if necessary.

(3) No further appeal shall lie against the order of the court made under sub-section (2).

CHAPTER IV

OFFENCES AND PENALTIES

16. Whoever contravenes any of the provisions of this Ordinance shall be punishable,—

(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;

(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

Punishment for contravention of the provisions of this Ordinance, Offences by companies.

17. (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly or other association of individuals; and

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

Cogni-
zance of
offences.

18. No court shall take cognizance of any offence punishable under this Ordinance except upon a complaint in writing made by such officer, not below the rank of a Group 'A' officer of the Central Government, as the State Government may, by notification in the Official Gazette, specify in this behalf.

CHAPTER V

MISCELLANEOUS

Power to
prohibit
transmis-
sion of
certain
program-
mes in
public
interest.

19. Where an officer, not below the rank of a Group 'A' officer of the Central Government authorised by the State Government in this behalf, thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any cable operator from transmitting or retransmitting any particular programme if it is likely to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is prejudicial to the maintenance of harmony between different religions, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquillity.

Power to
prohibit
opera-
tion of
cable
television
network
in
public
interest.

20. Where the Central Government thinks it necessary or expedient so to do in the public interest, it may prohibit the operation of any cable television network in such areas as it may, by notification in the Official Gazette, specify in this behalf.

Applica-
tion of
other
laws
not
barred.

21. The provisions of this Ordinance shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940, the Pharmacy Act, 1948, the Emblems and Names (Prevention of Improper Use) Act, 1950, the Drugs (Control) Act, 1950, the Cinematograph Act, 1952, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Prevention of Food Adulteration Act, 1954, the Prize Competitions Act, 1955, the Copyright Act, 1957, the Trade and Merchandise Marks Act, 1958, the Indecent Representation of Women (Prohibition) Act, 1986 and the Consumer Protection Act, 1986.

23 of 1940,
8 of 1948.
12 of 1950.
26 of 1950.
37 of 1952,
21 of 1954,
37 of 1954.
42 of 1955-
14 of 1957,
43 of 1958
60 of 1986.
68 of 1986.

Power to
make
rules.

22. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the form of application and the fee payable under subsection (2) of section 4;

(b) the programme code under section 5;

(c) the advertisement code under section 6;

(d) the form of register to be maintained by a cable operator under section 7;

(e) any other matter which is required to be, or may be prescribed.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions; and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SHANKER DAYAL SHARMA,

President.

A. C. C. UNNI,
Additional Secy. to the Govt. of India.

